

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Final Office Action dated January 9, 2004 has been received and its contents carefully reviewed.

Claims 28 and 38 are hereby amended; claims 31-37 and 42 were canceled by the amendment filed October 21, 2003. Accordingly, claims 28-30 and 38-41 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

In the final Office Action, claims 28-30 and 38-41¹ are rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-10 of prior U.S. Patent No. 6,317,183. Applicant notes that the scope of independent claims 28 and 38, as amended in by the Amendment filed October 21, 2003, is different than the scope of claims 1-10 of U.S. Patent No. 6,317,183. On this basis, Applicants believe that the statutory double patenting rejection of claims 28 and 38 is erroneous. However, for the purposes of expediting the prosecution of this application, Applicant has amended claims 28 and 38 to incorporate the limitation of now canceled claim 35. Applicant notes that this limitation was not subject to the statutory double patenting rejection set forth in the non-final Office Action dated July 21, 2003.

In addition, claims 28-30 and 38-41 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 5,995,186. Applicants submit that this rejection is moot in view of the Terminal Disclaimer filed herewith.

¹ Claims 31-37 and 42 been canceled by the previous amendment. Therefore, Applicants only deal with the statutory double patenting rejection of claims 28-30 and 38-41.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911.

Dated: April 8, 2004

Respectfully submitted,

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